



LAW FIRM OF DAYREL SEWELL, PLLC

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February 27, 2024

VIA ECF DELIVERY

Honorable Robyn F. Tarnofsky
United States Magistrate Judge
For the Southern District of New York
500 Pearl Street, Room 9B
New York, NY 10007

Re: Gabriella Luzunaris v. Baly Cleaning Services, Inc., et al., 1:23-cv-11137
(GHW)(RFT) – Letter Motion to Adjourn Discovery-related Matters

Dear, Hon. Judge Tarnofsky:

Good day. I am lead counsel for the Defendants Baly Cleaning Services, Inc. and Nade Coulibaly-Doucoure in the above-referenced matter. The Defendants write on behalf of all parties, with full consent, to respectfully request that the Court: (1) adjourn the March 5, 2024 deadline for the parties to submit the Report of Rule 26(f) Meeting and Proposed Case Management Plan; and, (2) adjourn the Initial Case Management Conference presently scheduled for March 12, 2024 at 10:30 A.M., to a time after the Court has ruled on the Defendants' forthcoming Rule 12 motion in response to the Complaint. The reason for this request is that the parties believe it more effective and efficient for the court and the parties to conserve resources, while allowing the Defendants to respond to the Complaint before potentially addressing discovery.

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By way of procedural background, Plaintiff filed the Complaint on December 22, 2023 alleging, among other things, discrimination and retaliation based on her pregnancy. ECF No. 1. On December 28, 2023, this case was referred to your Honor for General Pretrial and Dispositive Motion matters. ECF No. 7. Parties agreed to, and filed, a waiver of service of summons on February 2, 2024 allowing Defendants until April 1, 2024 to file and serve an answer or Rule 12 motion. ECF Nos. 13, 14. Shortly thereafter, on February 7, 2024, the court issued an Order scheduling a timeline and setting dates for the response to the Complaint, the Report of Rule 26(f) Meeting and Proposed Case Management Plan submission, and the Initial Case Management Conference. ECF No. 15.

All parties respectfully request that the Court adjourn the date to submit the Report of Rule 26(f) Meeting and Proposed Case Management Plan and the Initial Case Management Conference, so that the Court may first rule on Defendants' forthcoming pre-answer motion to dismiss. Commencing discovery at this stage of litigation is premature and would likely not be in the interests of judicial economy given that the issues have not been narrowed down, Defendants have not yet joined issue, exploration of potential settlement has not been considered, and many allegations in Plaintiff's Complaint may potentially become moot. The adjournment would also allow the parties, at a more appropriate juncture, to competently discuss the required topics under Rule 26(f) and the most appropriate case management schedule.

Accordingly for the reasons set forth above, all parties request that the Court: (1) adjourn the March 5, 2024 deadline for the parties to submit the Report of Rule 26(f) Meeting and Proposed Case Management Plan; and, (2) adjourn the Initial Case Management Conference presently scheduled for March 12, 2024 at 10:30 A.M., to an amenable time after the court has ruled on the Defendants' pre-answer motion to dismiss. There have been no prior requests for an adjournment of the conference, and all parties consent to the adjournment.

The parties thank the Court for its consideration herein.

Respectfully submitted,

By: /s/ Dayrel S. Sewell
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cc: Alexandria Jean-Pierre, Esq.
Phillips & Associates, Attorneys at Law, PLLC

Attorneys for Plaintiff (By ECF)

The parties request is GRANTED to the limited extent that the Initial Case Management Conference is adjourned sine die and the parties' discovery obligations are temporarily stayed pending a status conference on **March 12, 2024 at 10:30 AM**.

Counsel for the parties are directed to call my Microsoft Teams conference line at the scheduled time by dialing **(646) 453-4442, Access Code: 713 006 915 #**. Defendants must be prepared to discuss the basis for their anticipated motion to dismiss.

Dated: February 28, 2024
New York, New York

SO ORDERED.



ROBYN F. TARNOFSKY
United States Magistrate Judge